

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

BATTISTINI et al

Serial No. 10/812,308

Filed: March 30, 2004

Attention: Application Branch

Atty. Dkt. 2818-200

Date: October 14, 2004

For: USE OF (3-(2-ETHYLPHENYL)-5-METHOXYPHENYL)-1H-[1,2,4]-TRIAZOLE FOR
THE TREATMENT OF AUTOIMMUNE DISEASES**Mail Stop Missing Parts**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

The attached completes filing of the above-identified patent application:☐ **Correspondence Address Indication Form Attached.**☒ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, OR☐ Signed Declaration plus attached copy of originally filed specification/drawings.☒ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.☒ Record the attached assignment to Sigma-Tau Industrie Farmaceutiche Riunite S.p.A., Rome, Italy and return to the undersigned.☐ Attached is a Power of Attorney.☒ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:**Application Number****Country****Day/Month/Year Filed**

PCT/IT03/00237

15 April 2003

respectively.

☐ Certified copy(ies) of foreign application(s) is/are attached.☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.☐ Please enter the attached preliminary amendment prior to calculation of filing fee.☐ Also attached: ☐ **Information Disclosure Statement**; ☐ **Nucleotide and/or Amino Acid Sequence Submission**; ☐ **Other**:**Fees due are calculated below:**

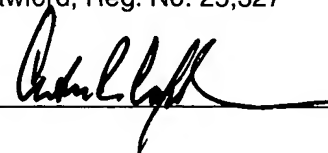
Basic filing fee				\$	790.00
Total Effective claims	3	- 20 =	0	x \$	18.00
				\$	0.00
Independent claims	1	- 3 =	0	x \$	88.00
				\$	0.00
If any proper multiple dependent claims now added for first time, add \$300.00 (ignore improper)				\$	0.00
				FILING FEE	\$ 790.00
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months; \$1530.00/4 months)				\$	980.00
Surcharge (\$130.00) if Declaration or filing fee first now submitted				\$	130.00
English translation of specification and claims (\$130.00)				\$	0.00
				FIRST SUBTOTAL	\$ 1,900.00
If "small entity," enter half (1/2) of subtotal and subtract				-\$	0.00
				SECOND SUBTOTAL	\$ 1,900.00
Assignment Recording Fee (\$40.00)				\$	40.00
				TOTAL FEE ENCLOSED	\$ 1,940.00

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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ARC:eaw

NIXON & VANDERHUYE P.C.
By Atty: Arthur R. Crawford, Reg. No. 25,327

Signature: _____



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/812,308	03/30/2004	Luca Battistini	2818-200

CONFIRMATION NO. 1799

FORMALITIES LETTER



OC000000012907733

23117
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Date Mailed: 06/10/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$900** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
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Alexandria VA 22313-1450

10/15/2004 CNGUYEN 00000009 10812308
01 FC:1001 790.00 DP
02 FC:1051 130.00 DP

*A copy of this notice **MUST** be returned with the reply.*

Mulvaney Hiben
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE